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Paper No. 12

Roche Diagnostics Corporation  
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Indianapolis, IN 46250-0457

In re Application of

Effenhauser, et al.

Application No. 09/943,080

Filed: August 30, 2001

Attorney Docket No. RDID01056US

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**MAR 04 2004**

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the under 37 CFR 1.137(b) filed February 17, 2004. The petition will be treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

The petition is granted.

This application was held abandoned on September 7, 2003, after no reply was received to the non-final Office action on June 6, 2003, that set a three month period for reply. No reply was believed to have been received within the allowed period and the application became abandoned on September 7, 2003. A Notice of Abandonment was mailed on December 30, 2003.

Petitioner has provided a copy of an "Amendment and Request for Extension of Time" that was responsive to the non-final Office action. The "Amendment and Request for Extension of Time" included a certificate of mailing dated December 5, 2003. With the extension of time within the third month, the amendment of December 5, 2003, is timely filed. Accordingly, the holding of abandonment was imposed improperly and is withdrawn as of the mailing date of this decision.

The petition fee of \$1330.00 will be refunded, in due course.

The application file is being forwarded to Technology Center 3700 for further processing.

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Further questions regarding this decision should be addressed to the undersigned at (703)305-0010.



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Office of Petitions